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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

FRANCISCO DALUPAN DELEON,

Defendant and Appellant.

B267084

(Los Angeles County
Super. Ct. No. BA409007)

APPEAL from an order of the Superior Court of Los Angeles County.
Curtis B. Rappe, Judge. Affirmed.

Rachel Varnell, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Francisco Dalupan Deleon pleaded no contest to one count of grand theft embezzlement (Pen. Code, § 487, subd. (a)), one count of filing a false income tax return (Rev. & Tax. Code, § 19705, subd. (a)(1)), and admitted the allegation, pursuant to Penal Code section 12022.6, subdivision (a)(3), that the grand theft embezzlement exceeded \$1.3 million. The court sentenced him to five years in county jail, pursuant to Penal Code section 1170, subdivision (h).¹ Deleon filed a timely appeal based on the trial court's denial of a motion to suppress evidence under Penal Code section 1538.5. He did not seek a certificate of probable cause regarding any other issue.

We appointed counsel to represent Deleon in the matter. After examining the record, counsel filed a *Wende* brief raising no issues on appeal and requesting that we independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) On April 20, 2016, we sent a letter to Deleon and to counsel. In the letter, we directed counsel to immediately send the record on this appeal and a copy of the *Wende* brief to Deleon and informed Deleon that he had 30 days to submit by letter or brief any ground of appeal, contention or argument he wished us to consider. Deleon filed a letter brief on May 6, 2016.

Deleon raises several issues in his letter brief, specifically that: (1) unfounded accusations were made against him to the investigating officer in the course of the criminal investigation; (2) the detective who obtained Deleon's extradition order misrepresented Deleon's location and residential status, which resulted in a "very high bail"; (3) the People had insufficient evidence to prove criminal intent; and (4) certain witnesses "deceived" the court in preliminary hearings when testifying about their own knowledge and responsibility relating to the embezzlement for which Deleon pleaded no contest. In short, all of the matters that Deleon raises in his appeal attack his conviction or occurred before he entered his plea.

¹ Under the 2011 Realignment Legislation, with specified exceptions, a felon subject to sentencing under Penal Code section 1107, subdivision (h) is punishable by imprisonment in county jail rather than state prison.

Deleon's no contest plea, however, limits the scope of his appeal to "[g]rounds that arose after entry of the plea and do not affect the plea's validity" or "[t]he denial of a motion to suppress evidence under Penal Code section 1538.5." (Cal. Rules of Court, rule 8.304(b); see Pen. Code, § 1237.5 [failure to obtain a certificate of probable cause precludes an appeal from the judgment of conviction upon a plea of guilty or no contest].) We have examined the entire record on appeal, and it does not demonstrate the existence of any such issue. We are satisfied that Deleon's appointed counsel has fully complied with her responsibilities and that no arguable appellate issue exists. (*People v. Kelly* (2006) 40 Cal.4th 106, 109-110; *People v. Wende*, *supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.

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ROTHSCHILD, P. J.

We concur:

CHANEY, J.

LUI, J.